

**To:** Laumann, Sara[Laumann.Sara@epa.gov]  
**Cc:** Jackson, Scott[Jackson.Scott@epa.gov]  
**From:** Russ, Timothy  
**Sent:** Thur 2/18/2016 8:02:09 PM  
**Subject:** FW: Identification of the JIDP for General Conformity Question for the UGRB - EPA Draft Interpretation Response  
JIDP Location Map from 3-14-06 ROD for FEIS.docx

Hi Sara,

## Ex. 5 - Attorney Client

Again, here's the weblink to the ROD:

<http://www.blm.gov/style/medialib/blm/wy/information/NEPA/pfodocs/jonah.Par.2901.File.dat/00rod.pdf>

And the below Word file has "Figure 1" cut and pasted into it:

Thoughts?

Thanks!

Tim

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**From:** Laumann, Sara  
**Sent:** Thursday, February 18, 2016 11:59 AM  
**To:** Russ, Timothy <Russ.Tim@epa.gov>; Jackson, Scott <Jackson.Scott@epa.gov>  
**Subject:** RE: General Conformity Question for the UGRB - EPA Draft Interpretation Response

Tim and Scott

Here's a start, which perhaps you already found. The below table lists all the major BLM NEPA actions in Wyoming (from this webpage: [http://www.blm.gov/http://www.blm.gov/wy/st/en/field\\_offices/Pinedale/nepa.html](http://www.blm.gov/http://www.blm.gov/wy/st/en/field_offices/Pinedale/nepa.html)).

## Referred to BLM

The three highlighted in yellow below were part of the same action, not sure if

# Ex. 5 - Deliberative Process

Thanks,

-Sara

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**From:** Russ, Timothy

**Sent:** Thursday, February 18, 2016 10:07 AM

**To:** Laumann, Sara <[Laumann.Sara@epa.gov](mailto:Laumann.Sara@epa.gov)>; Jackson, Scott <[Jackson.Scott@epa.gov](mailto:Jackson.Scott@epa.gov)>

**Subject:** FW: General Conformity Question for the UGRB - EPA Draft Interpretation Response

Hi Sara and Scott,

To help understand the Jonah Infill Development Project (JIDP) better, I did a Google search and came up with the FEIS and ROD (circa 2006).

A.) The JIDP 2006 ROD:

<http://www.blm.gov/style/medialib/blm/wy/information/NEPA/pfodocs/jonah.Par.2901.File.dat/00rod.pdf>

# Referred to BLM

B.) Additional information is available from the FY2006 project FEIS:

<http://www.blm.gov/wy/st/en/info/NEPA/documents/pfo/jonah.html>

**Tim's thoughts:**

## Ex. 5 - Attorney Client

# Ex. 5 - Attorney Client

To refresh, here's the Word document with our draft interpretation:

<< File: DRAFT\_EPA\_Interpretation\_for\_BLM-WY+SLL\_TC\_TJR\_dated\_2-16-2016.docx  
>>

Thanks again for looking at this!

Tim

Tim Russ  
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USEPA Region 8  
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Denver, CO 80202-1129  
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Fax (303) 312-6064  
e-mail: [russ.tim@epa.gov](mailto:russ.tim@epa.gov)

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**From:** Laumann, Sara

**Sent:** Wednesday, February 17, 2016 2:59 PM

**To:** Russ, Timothy <[Russ.Tim@epa.gov](mailto:Russ.Tim@epa.gov)>

**Cc:** Jackson, Scott <[Jackson.Scott@epa.gov](mailto:Jackson.Scott@epa.gov)>

**Subject:** RE: General Conformity Question for the UGRB - EPA Draft Interpretation Response

Thanks Tim

# Ex. 5 - Attorney Client

Thanks

-sara

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**From:** Russ, Timothy

**Sent:** Tuesday, February 16, 2016 9:43 AM

**To:** Laumann, Sara <[Laumann.Sara@epa.gov](mailto:Laumann.Sara@epa.gov)>

**Cc:** Jackson, Scott <[Jackson.Scott@epa.gov](mailto:Jackson.Scott@epa.gov)>

**Subject:** FW: General Conformity Question for the UGRB - EPA Draft Interpretation Response

Hi Sara,

Tom Coda and I discussed our draft interpretation response to the BLM on Friday the 12<sup>th</sup>. Please review the attached Word file that reflects Tom's recommendations (clarifications) and advise if we're good to have Scott email Charis:

<< File: DRAFT\_EPA\_Interpretation\_for\_BLM-WY+SLL\_TC\_TJR\_dated\_2-16-2016.docx >>

Thanks for your help on this!

Tim

Tim Russ  
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Fax (303) 312-6064  
e-mail: [russ.tim@epa.gov](mailto:russ.tim@epa.gov)

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**From:** Coda, Tom

**Sent:** Friday, February 12, 2016 10:20 AM

**To:** Russ, Timothy <[Russ.Tim@epa.gov](mailto:Russ.Tim@epa.gov)>

**Cc:** Jackson, Scott <[Jackson.Scott@epa.gov](mailto:Jackson.Scott@epa.gov)>; Laumann, Sara <[Laumann.Sara@epa.gov](mailto:Laumann.Sara@epa.gov)>; Lessard, Patrick <[Lessard.Patrick@epa.gov](mailto:Lessard.Patrick@epa.gov)>

**Subject:** RE: General Conformity Question for the UGRB - BLM's 2/8/16 Responses to R8's Questions

Tim,

I think that clarification works. I'm OK with the response with the revised language.

Have a good three day weekend.

Tom Coda

State & Local Programs | Environmental Protection Agency | Air Quality Policy Division | 919.541.3037

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**From:** Russ, Timothy

**Sent:** Friday, February 12, 2016 12:07 PM

**To:** Coda, Tom <[Coda.Tom@epa.gov](mailto:Coda.Tom@epa.gov)>

**Cc:** Jackson, Scott <[Jackson.Scott@epa.gov](mailto:Jackson.Scott@epa.gov)>; Laumann, Sara <[Laumann.Sara@epa.gov](mailto:Laumann.Sara@epa.gov)>; Lessard, Patrick <[Lessard.Patrick@epa.gov](mailto:Lessard.Patrick@epa.gov)>

**Subject:** FW: General Conformity Question for the UGRB - BLM's 2/8/16 Responses to R8's Questions

Hi Tom,

Much appreciate our conversation today and your review of our BLM-WY general conformity issues.

**Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

See if this answers your question.

Thanks!

Tim

Tim Russ  
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e-mail: [russ.tim@epa.gov](mailto:russ.tim@epa.gov)

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**From:** Coda, Tom

**Sent:** Friday, February 12, 2016 9:46 AM

**To:** Russ, Timothy <[Russ.Tim@epa.gov](mailto:Russ.Tim@epa.gov)>

**Cc:** Jackson, Scott <[Jackson.Scott@epa.gov](mailto:Jackson.Scott@epa.gov)>; Laumann, Sara <[Laumann.Sara@epa.gov](mailto:Laumann.Sara@epa.gov)>; Lessard, Patrick <[Lessard.Patrick@epa.gov](mailto:Lessard.Patrick@epa.gov)>

**Subject:** RE: General Conformity Question for the UGRB - BLM's 2/8/16 Responses to R8's Questions

Tim,

## Ex. 5 - Attorney Client

<< File: DRAFT\_EPA\_Interpretation\_for\_BLM-WY+SLL\_dated\_2-10-2016  
(00000002).docx >> Tom Coda

State & Local Programs | Environmental Protection Agency | Air Quality Policy Division | 919.541.3037

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**From:** Russ, Timothy

**Sent:** Thursday, February 11, 2016 12:08 PM

**To:** Coda, Tom <[Coda.Tom@epa.gov](mailto:Coda.Tom@epa.gov)>

**Cc:** Jackson, Scott <[Jackson.Scott@epa.gov](mailto:Jackson.Scott@epa.gov)>; Laumann, Sara <[Laumann.Sara@epa.gov](mailto:Laumann.Sara@epa.gov)>

**Subject:** FW: General Conformity Question for the UGRB - BLM's 2/8/16 Responses to R8's Questions

Hi Tom,

The Region is working to respond to a request from the BLM-Wyoming State Office (BLM-WY) with regard to general conformity in the Upper Green River Basin (UGRB) ozone nonattainment area in southwest Wyoming.

The original BLM-WY request for interpretation is located at the bottom of this email chain. We had read their request and had sent back an email with questions/assumptions for the BLM-WY to address to help clarify what exactly we were being asked to provide guidance on. The BLM-WY's responses are as in red and embedded in our email (see further below).

In looking at Charis's (BLM-WY) responses to our questions/assumptions below, there was only one that she pointed out where we were incorrect:

## Referred to BLM

Base on all of the BLM-WY responses, Region 8 would offer the following thoughts and draft interpretation for consideration:

# Ex. 5 - Deliberative Process

<< File: DRAFT\_EPA\_ Interpretation\_for\_BLM-WY+SLL\_dated\_2-10-2016.docx >>

Tom, if your schedule can permit, could you please review the information in this email and the attached draft interpretation by Tuesday, February 16<sup>th</sup>? Sara Lauman of our Office of Regional Counsel has reviewed and help prepared the draft interpretation; if you believe further review by OGC may be warranted, please let us know. Sara is out of the office until Wednesday, February 17<sup>th</sup> and would could all reconvene then if needed.

Thanks for your assistance!

Tim

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Fax (303) 312-6064  
e-mail: [russ.tim@epa.gov](mailto:russ.tim@epa.gov)

**From:** Tuers, Charis [<mailto:ctuers@blm.gov>]  
**Sent:** Monday, February 08, 2016 11:24 AM  
**To:** Jackson, Scott <[Jackson.Scott@epa.gov](mailto:Jackson.Scott@epa.gov)>  
**Cc:** Russ, Timothy <[Russ.Tim@epa.gov](mailto:Russ.Tim@epa.gov)>  
**Subject:** Re: Conformity Question for the UGRB

Hi Scott,

My responses are in red in your email below.

Thanks,



Charis A. Tuers  
Air Resource Specialist  
Bureau of Land Management  
Wyoming State Office  
(307) 775-6099  
[ctuers@blm.gov](mailto:ctuers@blm.gov)

On Fri, Feb 5, 2016 at 12:15 PM, Jackson, Scott <[Jackson.Scott@epa.gov](mailto:Jackson.Scott@epa.gov)> wrote:

Hi Charis,

The purpose of this email is to respond to your questions that were discussed with Tim Russ, of my staff, and as presented in your email of January 20, 2016 (hereafter "BLM email") attached further below. We appreciate your sending us an email for us to better understand and respond to your questions.

We offer following responses below along with a request for the BLM to confirm, or correct as appropriate, our assumptions used to facilitate our responses. Please also note where we ask for additional information and/or clarification; once we hear back from you we'll provide further responses to your questions.

**1.) EPA Observation**

**Referred to BLM**

# Referred to BLM

**EPA Response:** Based on the above, EPA assumes that as the area was considered attainment at that time and there was no general conformity analysis or determination prepared by the BLM for the JIDP EIS or ROD. EPA requests that BLM confirm this assumption so as to rule out the possibility that the BLM perhaps did a subsequent general conformity analysis for the whole JIDP after the UGRB area was designated nonattainment for the 2008 8-hour ozone NAAQS.

# Referred to BLM

**2.) EPA Observation:** We note that the UGRB area was designated nonattainment for the 2008 8-hour ozone NAAQS effective on July, 20, 2012 (see 77 FR 30088, May 21, 2012); therefore, the general conformity requirements applied to the UGRB on July 20, 2013. Based on the below statement in the BLM email, it is our understanding that likely no overall general conformity analysis and determination (as appropriate) was ever prepared JIDP. Therefore, as the BLM issues an APD for drilling in the JIDP (as considered a Federal Action), subsequent to the time the UGRB was designated nonattainment, the BLM has apparently been evaluating general conformity for each APD:

# Referred to BLM

**EPA Response:** It would help our understanding of the process if the BLM could explain how

the general conformity evaluations were prepared for the APDs in the JIDP (i.e., methodology, assumptions, emissions sources, number of wells authorized by each APD, etc.).

**Referred to BLM**

**Referred to BLM**

**EPA Response:** In order to accurately respond to the BLM's general conformity questions, the EPA requests that the BLM please review, clarify and/or correct the following EPA assumptions:

a.) Assumption:

**Referred to BLM**

**Referred to BLM**

**Referred to BLM**

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**Referred to BLM**

c.)

**Ex. 5 - Deliberative Process**

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**Referred to BLM**

Once we hear back from you we'll be pleased to provide a response to your questions. Thank you for the opportunity to review and discuss general conformity issues with the EA that your office is evaluating. Please let us know if you have any questions and too, if you would like to arrange a conference call to address any of the points presented above .

Thanks,

Scott  
Scott Jackson, Unit Chief  
Indoor Air, Toxics and Transportation Unit  
U.S. EPA Region 8  
1595 Wynkoop Street (8P-AR)  
Denver, CO 80202-1129  
(303) 312-6107

**From:** Tuers, Charis [<mailto:ctuers@blm.gov>]

**Sent:** Wednesday, January 20, 2016 2:17 PM

**To:** Russ, Timothy <[Russ.Tim@epa.gov](mailto:Russ.Tim@epa.gov)>

**Subject:** Conformity Question for the UGRB

# Referred to BLM

**Charis A. Tuers**  
**Air Resource Specialist**  
**Bureau of Land Management**  
**Wyoming State Office**  
**(307) 775-6099**  
**[ctuers@blm.gov](mailto:ctuers@blm.gov)**